

APPENDIX A

FORMAL AND EXPEDITED DISPUTE RESOLUTION.

11/20/02

Section 1.1 Formal Dispute Resolution Proceeding.

- (a) **Initiation of formal proceeding.** A formal proceeding for dispute resolution under this subchapter will commence when a party (complainant) files a complaint with the Commission and, on the same day, delivers a copy of the complaint either by hand delivery, by facsimile or by email to the other party (respondent) to the interconnection agreement from which the dispute arises (where applicable).
 - (1) Complaint. The complaint shall include:
 - (A) the name, address, telephone number, facsimile number and email address of each party to the interconnection agreement (where applicable) and the complainant's designated representative;
 - (B) a description of the parties' efforts to resolve their differences by negotiation;
 - (C) a detailed list of the discrete issues in dispute, with a cross-reference to the area or areas of the agreement applicable or pertaining to the issues in dispute;
 - (D) an identification of peninent background facts and relevant law or rules applicable to each disputed issue; and
 - (E) the complainant's proposed solution to the dispute.
 - (2) Expedited rulings. To the extent applicable, the complainant may also include in the complaint a request for an expedited ruling under Section 1.2 (relating to Request for Expedited Ruling) or an interim ruling under Section 1.3 (relating to Request for Interim Ruling Pending Dispute Resolution).
 - (3) Timelines. The timelines set forth in Section 1.1 shall be followed, unless modified by the arbitrator upon a showing of good cause.
 - (4) Service. Where service is effected in a manner other than hand-delivery, and a filing or any other activity in response to such service is required by the served party in 5 business days or less, the serving party shall make a good faith effort to ensure that the served party has received actual notice of the served documents, either by calling the served party or by other appropriate means to demonstrate good faith efforts.
- (b) **Response to the complaint.** Unless this matter qualifies under Sections 1.2 or 1.3, the respondent shall file a response to the complaint within 10 business days after the filing of the complaint. On the response filing date, the respondent shall serve a copy of the response on the complainant. The response shall specifically affirm or deny each allegation in the complaint. The response shall include the respondent's position on each issue in dispute, a cross-reference to the area or areas of the contract applicable or pertaining to the issue in dispute, and the respondent's proposed solution on each issue in dispute. In addition, the response also shall:
 - (1) stipulate to any undisputed facts; and
 - (2) identify relevant law or rules applicable to each disputed issue.
- (c) **Reply to response to complaint.** Unless this matter qualifies under Sections 1.2 or 1.3, the complainant may file a reply within live business days after the filing of the response to the complaint and serve a copy on respondent on the same day. The reply shall be limited solely to new issues raised in the response to the complaint.

- (d) Provisions regarding arbitration process. Except as specified otherwise in this subchapter, the following provisions apply:
- (1) **Selection of arbitrator.** Upon receipt of a complete request for arbitration, an arbitrator shall be selected to act for the Commission, unless two or more of the Commissioners choose to hear the arbitration en banc. The parties shall be notified of the Commission-designated arbitrator, or of the Commissioners' decision to act as arbitrator themselves. The arbitrator may be advised on legal and technical issues by members of the Commission staff designated by the arbitrator. The Commission staff members selected to advise the arbitrator shall be identified to the parties.
 - (2) **Oath required.** Before an arbitrator may hear any matter, he or she must swear to an oath of office affirming the arbitrator's competence to serve and willingness to judge all proceedings fairly and impartially. The oath shall be administered by a Commissioner or a person designated by the Commission to administer oaths.
 - (3) **Prehearing conference; challenges.** As soon as practical after his or her selection, the arbitrator shall schedule a prehearing conference with the parties to the arbitration. At the prehearing conference, parties should be prepared to raise any challenges to the appointment of the arbitrator or the arbitrability of any issue. If such challenges are not raised at the first prehearing conference, they shall be deemed waived by the parties. The arbitrator shall serve on the parties orders ruling on challenges within 10 business days of the first prehearing conference.
 - (4) **Record of hearing.** The arbitration hearing shall be open to the public. If any party requests it, a stenographic record shall be made of the hearing by an official court reporter appointed by the Commission. It is the responsibility of the party desiring the stenographic record to arrange for the official reporter to be present. A party may purchase a copy of the transcript from the official reporter at rates set by the Commission. The court reporter shall provide the transcript and exhibits in a hearing to the arbitrator at the time the transcript is provided to the requesting party. If no court reporter is requested by a party, the arbitrator shall record the proceedings and maintain the official record and exhibits.
 - (5) **Hearing procedures.** The parties to the arbitration are entitled to be heard, to present evidence, and to cross-examine witnesses appearing at the hearing. The arbitrator may temporarily close the arbitration hearing to the public to hear evidence containing information tiled as confidential. The arbitrator shall close the hearing only if there is no other practical means of protecting the confidentiality of the information.
 - (6) **Rules applicable.** The rules of privilege and exemption recognized by California law shall apply to arbitration proceedings under this subchapter. The California Rules of Civil Procedure and California Rules of Evidence are not applicable to proceedings under this subchapter unless specifically referenced in this subchapter.
 - (7) **Time for hearing.** The arbitration hearing shall be conducted expeditiously and in an informal manner. Unless additional time is allowed by the Commission or additional information is requested by the arbitrator, the hearing may not exceed five business days.
 - (8) **Cross-examination.** Each witness presenting written direct testimony shall be available for cross-examination by the other parties to the arbitration. The arbitrator shall judge the credibility of each witness and the weight to be given his or her testimony based upon his or her response to cross-examination. If the arbitrator determines that a witness' responses are evasive or non-responsive to the questions asked, the arbitrator may disregard the witness' testimony on the basis of a lack of credibility.
 - (9) **Clarifying questions.** The arbitrator or a staff member identified as an advisor to the arbitrator may ask clarifying questions at any point during the proceeding and may direct a party or a witness to provide additional information as needed to fully develop the record of the proceeding. If a party fails to present information requested by the arbitrator, the arbitrator shall render a decision on the basis of the best information available from whatever source derived.

- (10) Briefs. The arbitrator may require the parties to submit post-hearing briefs or written summaries of their positions. The arbitrator shall determine the filing deadline and any limitations on the length of such submissions.
 - (11) Parties to bear own costs. Each party to the arbitration hearing shall be responsible for its **own** costs of participation in the arbitration process.
 - (12) Scope **of** issues. The scope of this arbitration process, in terms of arbitrable issues, is intended to be broad. Parties may arbitrate issues arising out of or related to the services provided by SBC Pacific Bell under the parties' interconnection agreement or under state local wholesale tariffs. The arbitration process is not limited to violations of law or Commission decisions, but also includes alleged breaches of or disputes regarding interpretation of contract rights and obligations. In addition, at the Commission's discretion, parties may submit operational issues that affect the parties' rights and obligations related to local wholesale service, as defined broadly under Sections 251 and 252 of the Telecommunications Act of 1996 and the FCC regulations and decisions implementing and interpreting such rights and obligations.
- (e) Number **of** copies to be filed. Unless otherwise ordered by the arbitrator, parties shall file 12 copies of pleadings.
 - (f) Participation. Only the parties to the interconnection agreement (or complainant and respondent, where no interconnection agreement is involved), and third parties with approval from the arbitrator on a Motion to Intervene pursuant to Commission's Rules of Practice and Procedure 53, may participate as parties in the dispute resolution proceeding subject to this subchapter. However, the arbitrator may consolidate **matters** brought by separate parties where the matters present the same or substantially the same issues.
 - (g) Notice and hearing. Unless this matter qualifies under Section 1.2 or 1.3, the arbitrator shall make arrangements for the hearing to address the complaint, which shall commence no later than 50 days after filing of the complaint. The arbitrator shall notify the parties, not less than 15 days before the hearing, of the date, time, and location of the hearing. The hearing shall be transcribed by a court reporter designated by the arbitrator.
 - (h) Authority **of** arbitrator. The arbitrator has broad discretion in conducting the dispute resolution proceeding and has the authority given to a presiding officer pursuant to subsections (1)-(6) set forth immediately below. The arbitrator shall also have the authority to award remedies or relief deemed necessary by the arbitrator to resolve a dispute subject to the procedures established in this subchapter. The authority to award remedies or relief includes, but is not limited to, the award of prejudgment interest, specific performance of any obligation created in or found by the arbitrator to be intended under the interconnection agreement subject to the dispute, issuance **of** an injunction, or imposition **of** sanctions for abuse or frustration of the dispute resolution process subject to this subchapter, except that the arbitrator does not have authority to award punitive or consequential damages.
 - (1) Arbitrator to conduct hearings. Hearings shall be conducted by one or more arbitrators. The arbitrator has the decision making authority set out in the Commission's Rules, Government Code, and APA.
 - (2) Commission may preside over any hearing. The Commission has the authority to conduct any prehearing conference and hearing on any proceeding, as set forth in Section 1.1(d)(1). The Commission may conduct the entire hearing, or it may preside over a hearing in progress, in which case *the* Commissioners shall read the record established to that date.

- (3) **Authority of arbitrator.** The arbitrator has broad discretion in conducting the course, conduct, and scope of the hearing. The arbitrator's authority includes, but is not limited to, the power to administer oaths and affirmations; call and examine witnesses; receive evidence and testimony; rule upon the admissibility of evidence and amendments to pleadings; issue subpoenas; issue discovery, procedural, and scheduling orders; impose sanctions; compel the attendance of witnesses and the production of documents; authorize the taking of depositions; re-open the record, prior to the issuance of a proposal for decision, for additional evidence where it is necessary to **make** the record correct, accurate, and complete; make proposed findings of fact and conclusions of law; make proposed orders; issue interim orders; recess any hearing from time-to-time; abate a proceeding, and take any other action not prohibited by law or by Commission rule which is necessary for an efficient and fair hearing.
 - (4) **Conduct of hearing.** The arbitrator shall rule expeditiously on **all** motions and objections made at the hearing. The arbitrator shall conduct the hearing in such a manner to secure fairness in administration, eliminate unjustifiable delay, and promote the development of the record consistent with the applicable laws. The arbitrator shall endeavor to limit the presentation of evidence that creates an unfair prejudice, confuses the issues, or causes undue delay or needless presentation of cumulative evidence, and may:
 - (A) set reasonable times for a party to present evidence, including oral testimony of its own witnesses and cross-examination of other party's witnesses;
 - (B) establish the order in which parties will present evidence and conduct cross-examination;
 - (C) limit the number of witnesses to avoid cumulative or repetitious testimony;
 - (D) limit the time allowed for cross-examination; and
 - (E) order the presentation of cumulative evidence discontinued.
 - (5) **Replacement.** If at any time an arbitrator is unable to continue presiding over a case, the Commission may appoint a substitute arbitrator who shall perform any function remaining to be performed without the necessity of repeating any previous proceedings. The substitute arbitrator shall read the record of the proceedings that occurred prior to his or her appointment before issuing a Proposal for Decision or recommended findings of fact and conclusions of law.
 - (6) **Different from mediator.** The arbitrator shall not have participated in any mediation or informal attempts to resolve the issues raised by the parties.
- (i) **Discovery.** Parties may obtain discovery by submitting requests for information (RFIs), which include requests for inspection and production of documents, requests for admissions, and depositions by oral examination. The arbitrator has discretion to resolve discovery issues, including scope and timing of discovery.
 - (j) **Prefiled evidence/witness list.** The arbitrator shall require the parties to file a direct case and a joint decision point list (DPL) on or before the commencement of the hearing. The arbitrator shall require the parties to file their direct cases under the same deadline. The prepared direct case shall include all of the party's direct evidence, including written direct testimony of all of its witnesses and all exhibits that the party intends to offer. The DPL shall identify all issues to be addressed, the witnesses who will be addressing each issue, and a short synopsis of each witness's position on each issue. Except as otherwise provided herein or as otherwise allowable by the Commission, including the Commission's Rules of Practice and Procedure, all materials filed with the Commission or provided to the arbitrator shall be considered public information.
 - (k) **Decision.**
 - (1) The written decision of the arbitrator shall be filed with the Commission within 15 days after the filing of post-hearing briefs and shall be mailed by first-class mail to all parties of record in the dispute resolution proceeding. On the same day that the decision is issued, the arbitrator shall notify the parties by facsimile or by email that the decision has been issued. Parties will have 3 business days to file and serve comments on the arbitrator's decision.

- (2) The decision of the arbitrator shall be based upon the record of the dispute resolution hearing, and shall include a specific ruling on each of the disputed **issues** presented for resolution by the parties. The arbitrator may provide for later implementation of specific provisions as addressed in the arbitrator's decision. To the extent deemed necessary by the arbitrator to explain or support the decision, the decision may also contain:
 - (A) the rates for interconnection, services, and/or network elements established according to the Federal Telecommunications Act of 1996, §47 U.S.C. 252(d);
 - (B) a schedule for implementation of the terms and conditions by the parties to the agreement; and
 - (C) a narrative report explaining the arbitrator's rationale for each of the rulings included in the final decision.
- (3) Within 5 business days from the date the arbitrator's decision is issued, any Commissioner may place the arbitrator's decision on the agenda for the next available open meeting. If the decision is scheduled for open meeting, then the decision shall be stayed until the Commission affirms or modifies the decision.
- (4) If no Commissioner places the arbitrator's decision on the open meeting agenda within 5 business days, the arbitrator's decision is final and effective on the expiration of that fifth business day. The arbitrator shall notify the parties when the arbitrator's decision is deemed final under this paragraph.
- (5) Final decisions shall be reviewable under the regular procedures applicable to Commission decisions.

Section 1.2 Request for Expedited Ruling.

- (a) Purpose. This section establishes procedures pursuant to which a party who files a complaint to initiate a dispute resolution under this subchapter may request an expedited ruling when the dispute directly affects the ability of a party to provide uninterrupted service to its customers or precludes the provisioning of any service, functionality, or network element. The arbitrator has the discretion to determine whether the resolution of the complaint may be expedited based on the complexity of the issues or other factors deemed relevant. Except as specifically provided in this section, the provisions and procedures of Section 1.1 (relating to Formal Dispute Resolution Proceeding) apply.
- (b) Filing a request. Any request for expedited ruling shall be filed at the same time and in the same document as the complaint filed pursuant to Section 1.1. The complaint shall be entitled "Complaint and Request for Expedited Ruling." In addition to the requirements listed in Section 1.2(a), the complaint shall also state the specific circumstances that make the dispute eligible for an expedited ruling.
- (c) Response to complaint. The respondent shall file a response to the complaint within five business days after the filing of the complaint. In addition to the requirements listed in Section 1.2(b), the respondent shall state its position on the request for an expedited ruling. The respondent shall serve a copy of the response on the complainant by hand-delivery, facsimile or by email on the same day as it is filed with the Commission.
- (d) Hearing. After reviewing the complaint and the response, the arbitrator will determine whether the complaint warrants an expedited ruling. If so, the arbitrator shall make arrangements for the hearing, which shall commence no later than 20 days after the filing of the complaint. The arbitrator shall notify the parties, not less than three business days before the hearing of the date, time, and location of the hearing. If the arbitrator determines that the complaint is not eligible for an expedited ruling, the arbitrator shall so notify the parties within five days of the filing of the response.
- (e) Decision point list (DPL) and witness list. The arbitrator may require the parties to file a DPL on or before the commencement of the hearing. The arbitrator shall require the parties to file their DPL under the same deadline. The DPL shall identify all issues to be addressed, the witness, if any, who will be addressing each issue, and a short synopsis of each witness's position on each issue. Except as otherwise provided herein or as otherwise allowable by the Commission, including the Commission's Rules of Practice and Procedure, all materials filed with the Commission or provided to the arbitrator shall be considered public information.
- (f) Decision. The arbitrator shall issue a written decision on the complaint within 10 days after the close of the hearing. On the day of the issuance, the arbitrator shall notify the parties by facsimile or by email that the decision has been issued. A decision issued pursuant to this section is subject to the Commission review provisions under Section 1.1(k) and will become final under the terms therein.

Section **13** Request for Interim Ruling Pending Dispute Resolution.

- (a) Purpose. This section establishes procedures pursuant to which a party who files a complaint to initiate a dispute resolution under either Section 1.1 (relating to Formal Dispute Resolution Proceeding) or Section 1.2 (relating to Request for Expedited Ruling) may also request an interim ruling on whether the party is entitled to relief pending the resolution of the merits of the dispute. This section is intended to provide an interim remedy when the dispute compromises the ability of a party to provide uninterrupted service or precludes the provisioning of scheduled service. Interim relief shall be granted only under extraordinary circumstances. The moving party shall have the burden of proving a substantial likelihood of success on the merits and irreparable harm
- (b) Filing a request. Any request for an interim ruling shall be filed at the same time and in the same document as the complaint filed pursuant to Section 1.1 or Section 1.2 of this title. The heading of the complaint shall include the phrase "Request for Interim Ruling." The complaint shall set forth the specific grounds supporting the request for interim relief pending the resolution of the dispute, as well as a statement of the potential harm that may result if interim relief is not provided. A complaint that includes a request for interim ruling shall be verified by affidavit. Such complaint must list the contact person, address, telephone number, facsimile number and email address for both the complainant and respondent.
- (c) Service. The complainant shall serve a copy of the complaint and request for an interim ruling on the respondent by hand-delivery, facsimile or email on the same day as the pleading is filed with the Commission. The complainant shall certify on the pleading filed with the Commission that service has been accomplished in compliance with this rule.
- (d) Hearing. Within five business days of the filing of a complaint and request for interim ruling, the arbitrator selected under this subchapter shall conduct a hearing to determine whether interim relief should be granted during the pendency of the dispute resolution process. The arbitrator will notify the parties of the date and time of the hearing by facsimile or by email within 24 hours of the filing of a complaint and request for interim ruling. The parties should be prepared to present their positions and evidence on factors including but not limited to: the type of service requested; the economic and technical feasibilities of providing that service; and the potential harm in providing the service. The arbitrator will issue an interim ruling on the request based on the evidence provided at the hearing.
- (e) Ruling. The arbitrator shall issue a written ruling on the request within 24 hours of the close of the hearing and will notify the parties by facsimile or by email of the ruling. The interim ruling will be effective throughout the dispute resolution proceeding until a final decision is issued pursuant to this subchapter.

APPENDIX B

**Joint Competitive Industry Group Proposal
ILEC Performance Measurement & Standards**

APPENDIX B

**Joint Competitive Industry Group
Proposal**

**ILEC PERFORMANCE
MEASUREMENTS & STANDARDS**

**in the
Ordering, Provisioning,
and
Maintenance & Repair
of
SPECIAL ACCESS SERVICE**

Version 1.1

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ILEC Performance Measurements and Standards

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ILEC Performance Measurements and Standards

Reporting Dimensions

CLEC or IXC Carrier specific total, with the following reporting dimensions for all measurements

- ?? Special Access disaggregated by bandwidth
 - Sub Totaled by State
 - Totaled by ILEC

Comparison reports are required for:

- ?? CLEC/ IXC Carrier Aggregate
- ?? ILEC Affiliates Aggregate

Special Access is any exchange access service that provides a transmission path between two or more points, either directly, or through a central office, where bridging or multiplexing functions are performed, not utilizing ILEC end office switches.

Special access services include dedicated and shared facilities configured to support analog/voice grade service, metallic and/or telegraph service, audio, video, digital data service (DDS), digital transport and high capacity service (DS1, DS3 and OCn), collocation transport, links for SS7 signaling and database queries, SONET access including OC-192 based dedicated SONET ring access, and broadband services.

Exclusions: Transmission path requests pursuant to an Interconnection Agreement for Unbundled Network Elements are excluded from these Performance Measures.

Reporting Period: The reporting period is the calendar month, unless otherwise noted, with all averages or percentages displayed to one decimal point.

ILEC Performance Measurements and Standards

ORDERING

Measurement: JIP-SA-1 FOC Receipt

Description

The Firm Order Confirmation (FOC) is the ILEC response to an Access Service Request (ASR), whether an initial or supplement ASR, that provides the ILEC or IXC Carrier with the specific Due Date on which the requested circuit or circuits will be installed. The expectation is that the ILEC will conduct a minimum of an electronic facilities check to ensure due dates delivered in FOCs can be relied upon. The performance standard for FOCs received within the standard interval is expressed as a percentage of the total FOCs received during the reporting period. A diagnostic distribution is required along with a count of ASRs withdrawn at the ILEC's request due to a lack of ILEC facilities or otherwise

Calculation Methodology

Percent Merling Performance Standard:

$$\frac{[\text{Count FOCs received where (FOC Receipt Date - ASR Sent Date)} \leq \text{Performance Standard}]}{\text{Total FOCs received during reporting period}} \times 100$$

FOC Receipt - Distribution:

(FOC Receipt Date - ASR Sent Date), for each FOC received during reporting period, distributed by:
0 day, 1 day, 2 days, through 10 days and > 10 days

ASRs Withdrawn at ILEC Request due to a lack of ILEC Facilities or Otherwise

Count of ASRs, which have not yet received a FOC, Withdrawn at ILPC Request, during the current reporting period, due to a lack of ILEC facilities or otherwise

Business Rules

1. Counts are based on each instance of a FOC received from the ILEC. If one or more Supplement ASRs are issued to correct or change a request, each corresponding FOC, which is received during the reporting period, is counted and measured.
2. Days shown are business days, Monday to Friday, excluding National Holidays. Activity starting on a weekend, or holiday, will reflect a start date of the next business day, and activity ending on a weekend, or holiday, will be calculated with an end date of the last previous business day.
3. Projects are included. Determination of what is identified as a project varies by ILEC and should not alter the need to ensure that service is provided within expected intervals.

Exclusions

- ?? Unsolicited FOCs
- ?? Disconnect ASRs
- ?? Cancelled ASRs
- ?? Record ASRs

Levels of Disaggregation

- ?? DS0
- ?? DS1
- ?? DS3
- ?? OCn

Performance Standard

Percent FOCs Received within Standard

- DS0 => 98.0% within 2 business days
- US1 => 98.0% within 2 business days
- DS3 => 98.0% within 5 business days
- OCn - ICB (Individual Case Basis)

FOC Receipt Distribution

- Diagnostic

ASRs Withdrawn at ILEC Request Due to a Lack of ILEC Facilities or Otherwise

- Diagnostic

ILEC Performance Measurements and Standards

ORDERING

Measurement: JIP-SA-2 FOC Receipt Past Due

Description

The FOC Receipt Past Due measure tracks all ASR requests that have not received an FOC from the ILEC within the expected FOC receipt interval, as of the last day of the reporting period and do not have an open, or outstanding, Query/Reject. This measure gauges the magnitude of late FOCs and is essential to ensure that FOCs are being received in a timely manner from the ILECs. A distribution of these late FOCs, along with a report of those late FOCs that do have an open Query/Reject, is required for diagnostic purposes.

Calculation Methodology

Percent FOC Receipt Past Due - Without Open Query/Reject:

Sum of ASRs without a FOC Received, and a Query/Reject is not open, where (End of Reporting Period – ASK Sent Date > Expected FOC Receipt Interval) / Total number of ASRs sent during reporting period x 100

FOC Receipt Past Due - Without Open Query/Reject - Distribution:

[(End of Reporting Period – ASK Sent date) – (Expected FOC Receipt Interval)] for ASRs without a FOC received and a Query/Reject is not open with the CLEC or IXC Carrier, distributed by:
1-5 Days, 6-10 Days, 11-20 Days, 21-30 Days, 31-40 Days, and > 40 Days

Percent FOC Receipt Past Due - With Open Query/Reject:

Sum of ASRs without a FOC Received, and a Query/Reject is open, where (End of Reporting Period – ASK Sent Date > Expected FOC Receipt Interval) / Total number of ASRs sent during reporting period x 100

Business Rules

1. All counts are based on the latest ASR request sent to the ILEC. Where one or more subsequent ASRs have been sent, only the latest ASR would be recorded as Past Due if no FOC had yet been returned..
2. The Expected FOC Receipt Interval, used in the calculations, will be the interval identified in the Performance Standards for the FOC Receipt measure.
3. Days shown are business days, Monday to Friday, excluding National Holidays. Activity starting on a weekend, or holiday, will reflect a start date of the next business day, and activity ending on a weekend, or holiday, will be calculated with an end date of the last previous business day.
4. Projects are included. Determination of what is identified as a project varies by ILEC and should not alter the need to ensure that service is provided within expected intervals.

Exclusions

- ?? Unsolicited FOCs
- ?? Disconnect ASRs
- ?? Cancelled ASRs
- ?? Record ASRs

Levels of Disaggregation

- ?? DS0
- ?? DS1
- ?? US3
- ?? OCn

Performance Standard

Percent FOC Receipt Past Due - Without Open Query/Reject	< 2.0 % FOC Receipt Past Due
FOC Receipt Past Due - Without Open Query/Reject - Distribution	- Diagnostic
Percent FOC Receipt Past Due - With Open Query/Reject	- Diagnostic

ILEC Performance Measurements and Standards

ORDERING

Measurement: JIP-SA-3 Offered Versus Requested Due Date

Description

The Offered Versus Requested Due Date measure reflects the degree to which the ILEC is committing to install service on the CLEC or LXC Carrier Requested Due Date (CRDD), when a Due Date Request is equal to or greater than the ILEC stated interval. A distribution of the delta, the difference between the CRDD and the Offered Date, for these FOCs is required for diagnostic purposes.

Calculation Methodology

Percent Offered with CLEC or LXC Carrier Requested Due Date:

$$\frac{[\text{Count of ASRs where (FOC Due Date = CRDD)}]}{[\text{Total number of ASRs where (CRDD - ASR Sent Date) } \geq \text{ILEC Stated Interval}]} \times 100$$

Offered versus Requested Interval Delta - Distribution:

$$[(\text{Offered Due Date} - \text{CRDD}) \text{ where } (\text{CRDD} - \text{ASR Sent Date}) \geq \text{ILEC Stated Interval}] \text{ for each FOC received during the reporting period, distributed by: } 0 \text{ Days, } 1-5 \text{ Days, } 6-10 \text{ Days, } 11-20 \text{ Days, } 21-30 \text{ Days, } 31-40 \text{ Days, and } > 40 \text{ Days}$$

Business Rules

1. Counts *are* based on each instance of a FOC received from the ILEC. **One** or more Supplement ASRs are issued to correct or change a request, each corresponding FOC, which **is** received during the reporting period, is counted and measured.
2. Days shown are business days, Monday to Friday, excluding National Holidays. Activity starting on a weekend, or holiday, will reflect a start date of the next business day, and activity ending **on** a weekend, or holiday, will be calculated with an end date of the last previous business day.
3. Projects are included. Determination of what is identified as a project varies by ILEC and should not alter the need to ensure that service is provided within expected intervals.

Exclusions

- ?? Unsolicited FOCs
- ?? Disconnect ASRs
- ?? Cancelled ASRs
- ?? Record ASRs

Levels of Disaggregation

- ?? DS0
- ?? DS1
- ?? DS3
- ?? OCn

Performance Standard

Percent Offered with CRDD (where CRDD \geq ILEC Stated Interval) = **100%**

Offered versus Requested Interval Delta - Distribution - Diagnostic

ILEC Stated Intervals. To be determined by ILEC

ILEC Performance Measurements and Standards

PROVISIONING

Measurement: JIP-SA-4 On Time Performance To FOC Due Date

Description

On Time Performance To FOC Due Date measures the percentage of circuits that are completed on the FOC Due Date, as recorded from the FOC received in response to the last ASR sent. Customer Not Ready (CNR) situations may result in an installation delay. The On Time Performance To FOC Due Date is calculated both with CNR consideration, i.e. measuring the percentage of time the service is installed on the FOC due date while counting CNR coded orders as an appointment met, and without CNR consideration

Calculation Methodology

Percent On Time Performance to FOC Due Date – With CNR Consideration

$$\frac{[(\text{Count of Circuits Completed on or before ILEC Committed Due Date} + \text{Count of Circuits Completed after FOC Due Date with a verifiable CNR code}) / (\text{Count of Circuits Completed in Reporting Period})] \times 100}{}$$

Percent On Time Performance to FOC Due Date – Without CNR Consideration:

$$\frac{[(\text{Count of Circuits Completed on or before ILEC Committed Due Date}) / (\text{Count of Circuits Completed in Reporting Period})] \times 100}{}$$

Note: The denominator for both calculations is the total count of circuits completed during the reporting period, including all circuits, with and without a CNR code.

Business Rules

1. Measures are based on the last **ASK** sent and the associated FOC Due Date received from the ILEC
2. Selection is based on circuits completed by the ILEC during the reporting period. An ASR may provision more than one circuit and ILECs may break the **ASR** into separate internal orders, however, the ASR is not considered completed for measurement purposes until all circuits are completed.
3. The ILEC Completion Date is the date upon which the ILEC completes installation of the circuit, as noted on a completion advice to the CLEC or IXC Carrier.
4. Projects are included. Determination of what is identified as a project varies by ILEC and should not alter the need to ensure that service is provided on the FOC Due Date.
5. A Customer Not Ready (CNR) is defined as a verifiable situation beyond the normal control of the ILEC that prevents the ILEC from completing an order, including the following: CLEC or IXC Carrier is not ready; end user is not ready; connecting company, or CPE (Customer Premises Equipment) supplier, is not ready. The ILEC must ensure that established procedures are followed to notify the CLEC or IXC Carrier of a **CNR** Situation and allow a reasonable period of time for the CLEC or IXC Carrier to correct the situation.

Exclusions

- ?? Unsolicited FOCs
- ?? Disconnect ASRs
- ?! Cancelled ASRs
- ?? Record ASRs

Levels of Disaggregation

- ?? DS0
- ?? DS1
- ?! US3
- ?? OCn

Performance Standard

Percent On Time to FOC Due Date - With CNR Consideration = > 98.0 % On Time

Percent On Time to FOC Due Date - Without CNR Consideration - Diagnostic

ILEC Performance Measurements and Standards

PROVISIONING

Measurement: JIP-SA-5 Days Late

Description

Days Late captures the magnitude of the delay, both in average and distribution, for those circuits not completed on the FOC Due Date, and the delay was not a result of a verifiable CNK situation. A breakdown of delay days caused by a lack of ILEC facilities is required for diagnostic purposes.

Calculation Methodology

Average Days Late:

$\frac{1}{2} [\text{Circuit Completion Date} - \text{ILEC Committed Due Date (for all Circuits Completed Beyond ILEC Committed Due Date without a CNR code)}] / (\text{Count of Circuits Completed Beyond ILEC Committed Due Date without a CNR code})$

Days Late Distribution:

Circuit Completion Date - ILEC Committed Due Date (for all Circuits Completed Beyond ILEC Committed Due Date without a CNR code) distributed by: 1 day, 2-5 Days, 6-10 Days, 11-20 Days, 21-30 Days, 31-40 Days, and > 40 Days

Average Days Late Due to a Lack of ILEC Facilities:

$\frac{1}{2} [\text{Circuit Completion Date} - \text{ILEC Committed Due Date (for all Circuits Completed Beyond ILEC Committed Due Date without a CNR code and due to a Lack of ILEC Facilities)}] / (\text{Count of Circuits Completed Beyond ILEC Committed Due Date without a CNR code and due to a Lack of ILEC Facilities})$

Business Rules

1. Measures are based on the last ASK sent and the associated FOC Due Date received from the ILEC.
2. Selection is based on circuits completed by the ILEC during the reporting period. An ASR may provision more than one circuit and ILECs may break the ASR into separate internal orders, however, the ASR is not considered completed for measurement purposes until all circuits are completed.
3. Days shown are business days, Monday to Friday, excluding National Holidays. Activity starting on a weekend, or holiday, will reflect a start date of the next business day, and activity ending on a weekend, or holiday, will be calculated with an end date of the last previous business day.
4. Projects are included. Determination of what is identified as a project varies by ILEC and should not alter the need to ensure that service is provided on the FOC Due Date.
5. A Customer Not Ready (CNR) is defined as a verifiable situation beyond the normal control of the ILEC that prevents the ILEC from completing an order, including the following: CLEC or IXC Carrier is not ready; end user is not ready; connecting company, or CPE (Customer Premises Equipment) supplier, is not ready. The ILEC must ensure that established procedures are followed to notify the CLEC or IXC Carrier of a CNR situation and allow a reasonable period of time for the CLEC or IXC Carrier to correct the situation.

Exclusions

- ?? Unsolicited FOCs
- ?? Disconnect ASRs
- ?? Cancelled ASRs
- ?? Record ASRs

Levels of Disaggregation

- ?? DS0
- ?? DSI
- ?? DS3
- ?? OCn

Performance Standard

- Average Days Late < 3.0 Days
- Days Late Distribution - Diagnostic
- Average Days Late Due to a Lack of ILEC Facilities - Diagnostic

ILEC Performance Measurements and Standards

PROVISIONING

Measurement: JIP-SA-6 Average Intervals - Requested/Offered/Installation

Description

The intent of this measure is to capture three important aspects of the provisioning process and display them in relation to each other. The Average CLEC or IXC Carrier Requested Interval, the Average ILEC Offered Interval, and the Average Installation Interval, provide a comprehensive view of provisioning, with the ultimate goal of having these three intervals equivalent

Calculation Methodology

Average CLEC or IXC Carrier Requested Interval:

$\text{Sum (CRDD - ASR Sent Date)} / \text{Total Circuits Completed during reporting period}$

Average ILEC Offered Interval:

$\text{Sum (FOC Due Date - ASR Sent Date)} / \text{Total Circuits Completed during reporting period}$

Average Installation Interval:

$\text{Sum (ILEC Completion Date - ASR Sent Date)} / \text{Total Circuits Completed during reporting period}$

Business Rules

1. Measures are based on the last **ASR** sent and the associated FOC Due Date received from the ILEC.
2. Selection is based on circuits completed by the ILEC during the reporting period. An ASR may provision more than one circuit and ILECs may break the ASR into separate internal orders, however, the ASR is not considered completed for measurement purposes until all circuits are completed.
3. Days shown are business days, Monday to Friday, excluding National Holidays. Activity starting on a weekend, or holiday, will reflect a start date of the next business day, and activity ending on a weekend, or holiday, will be calculated with an end date of the last previous business day.
4. Projects are included. Determination of what is identified as a project varies by ILEC and should not alter the need to ensure that service is provided within expected intervals.
5. The Average Installation Interval includes all completions.

Exclusions

- ?? Unsolicited FOCs
- ?? Disconnect **ASRs**
- ?? Cancelled **ASRs**
- ?? Record **ASRs**

Levels of Disaggregation

- ?? DS0
- ?? DS1
- ?? **us3**
- ?? OCn

Performance Standard

- Average Requested Interval - Diagnostic
- Average Offered Interval - Diagnostic
- Average Installation Interval - Diagnostic

ILEC Performance Measurements and Standards

PROVISIONING

Measurement: JIP-SA-7 Past Due Circuits

Description

The Past Due Circuits measure provides a snapshot view of circuits not completed as of the end of the reporting period. The count is taken from those circuits that have received an FOC Due Date but the date has passed. Results are separated into those held for ILEC reasons and those held for CLEC or IXC Carrier reasons (CNRs), with a breakdown, for diagnostic purposes, of Past Due Circuits due to a lack of ILEC facilities. A diagnostic measure, Percent Cancellations After FOC Due Date, is included to show a percent of all cancellations processed during the reporting period where the cancellation took place after the FOC Due Date had passed

Calculation Methodology

Percent Past Due Circuits:

$$\left[\frac{\text{Count of all circuits not completed at the end of the reporting period} > 5 \text{ days beyond the FOC Due Date, grouped separately for Total ILEC Reasons, Lack of ILEC Facility Reasons, and Total CLEC/Carrier Reasons}}{\text{Total uncompleted circuits past FOC Due Date, for all missed reasons, at the end of the reporting period}} \right] \times 100$$

Past Due Circuits Distribution:

Count of all circuits past the FOC Due Date that have not been reported as completed (Calculated as last day of reporting period - FOC Due Date) Distributed by: 1-5 days, 6-10 days, 11-20 days, 21-30 days, 31-40 days, > 40 days

Percent Cancellations After FOC Due Date:

$$\left[\frac{\text{Count (All circuits cancelled during reporting period, that were Past Due at the end of the previous reporting period, where (Date Cancelled > FOC Due Date) / (Total circuits Past Due at the end of the previous reporting period)}}{100} \right]$$

Business Rules

1. Calculation of Past Due Circuits is based on the most recent ASR and associated FOC Due Date.
2. An ASR may provision more than one circuit and ILECs may break the ASR into separate internal orders, however, the ASR is not considered completed for measurement purposes until all segments are completed.
3. Days shown are business days, Monday to Friday, excluding National Holidays. Activity starting on a weekend, or holiday, will reflect a start date of the next business day, and activity ending on a weekend, or holiday, will be calculated with an end date of the last previous business day.
4. Projects are included. Determination of what is or is not identified as a project varies by ILEC and should not alter the need to ensure that service is provided on the FOC Due Date.
5. A Customer Not Ready (CNR) is defined as a verifiable situation beyond the normal control of the ILEC that prevents the ILEC from completing an order, including the following: CLEC or IXC Carrier is not ready; end user is not ready; connecting company, or CPE (Customer Premises Equipment) supplier, is not ready. The ILEC must ensure that established procedures are followed to notify the CLEC or IXC Carrier of a CNR situation and allow a reasonable period of time for the CLEC or IXC Carrier to correct the situation

Exclusions

- ?? Unsolicited FOCs
- ?? Disconnect ASRs
- ?? Record ASRs

Levels of Disaggregation

- ?? DSO / DS1 / DS3 / OCn

Performance Standard

Percent Past Due Circuits- Total ILEC Reasons	< 3.0 % > 5 days beyond FOC Due Date
Percent Past Due Circuits, Due to Lack of ILEC Facilities	- Diagnostic
Percent Past Due Circuits- Total CLEC Reasons	- Diagnostic
Past Due Circuits Distribution	- Diagnostic
Percent Cancellation After FOC Due Date	- Diagnostic

ILEC Performance Measurements and Standards

PROVISIONING

Measurement: JIP-SA-8 New Installation Trouble Report Rate

Description

New Installation Trouble Report Rate measures the quality of the installation work by capturing the rate of trouble reports on new circuits within 30 calendar days of the installation

Calculation Methodology

Trouble Report Rate Within 30 Calendar Days of Installation:

$$[\text{Count (trouble reports within 30 Calendar Days of Installation)} / (\text{Total Number of Circuits Installed in the Report Period})] \times 100$$

Business Rules

1. The ILEC Completion Date is the date upon which the ILEC completes installation of the circuit, as noted on a completion advice to the CLEC or IXC Carrier.
2. The calculation for the preceding 30 calendar days is based on the creation date of the trouble ticket

Exclusions

- ?! Trouble tickets that are canceled at the CLEC's or IXC Carrier's request
- ?? CLEC, IXC Carrier, CPE (Customer Premises Equipment), or other customer caused troubles
- ?? ILEC trouble reports associated with administrative service
- ?? Tickets used to track referrals of misdirected calls
- ?? CLEC or IXC Carrier requests for informational tickets

Levels of Disaggregation

- ?? DS0
- ?! DS1
- ?! DS3
- ?? OCn

Performance Standard

New Installation Trouble Report Rate < - 1.0 trouble reports per 100 circuits installed

ILEC Performance Measurements and Standards

MAINTENANCE & REPAIR

Measurement: JIP-SA-9 Failure Rate

Description

Failure Rate measures the overall quality of the circuits being provided by the ILEC and is calculated by dividing the number of troubles resolved during the reporting period by the total number of "in service" circuits, at the end of the reporting period, and is then annualized by multiplying by 12 months.

Calculation Methodology

Failure Rate – Annualized:

$$\frac{((\text{Count of Trouble Reports resolved during the Reporting Period}) / (\text{Number of Circuits In Service at the end of the Report Period})) \times 100}{\times 12}$$

Business Rules

1. A trouble report/ticket is any record (whether paper or electronic) used by the ILEC for the purposes of tracking related action and disposition of a service repair or maintenance situation.
2. A trouble is resolved when the ILEC issues notice to the CLEC or IXC Carrier that the circuit has been restored to normal operating parameters.
3. Where more than one trouble is resolved on a specific circuit during the reporting period, each trouble is counted in the Trouble Report Rate.

Exclusions:

- ?? Trouble tickets that are canceled at the CLEC's or IXC Carrier's request
- ?? CLEC, IXC Carrier, CPE (Customer Premises Equipment), or other customer caused troubles
- ?? ILEC trouble reports associated with administrative service
- ?? CLEC or IXC Carrier requests for informational tickets
- ?? Tickets used to track referrals of misdirected calls

Levels of Disaggregation

- ?? Below DS3 (DS0 + DS1)
- ?? DS3 and Above (DS3 + OCn)

Performance Standard

Failure Rate Annualized	- Below DS3	< = 10.0%
	- DS3 and Above	< = 10.0%

ILEC Performance Measurements and Standards

MAINTENANCE & REPAIR

Measurement: JIP-SA-10 Mean Time to Restore

Description

The Mean Time to Restore interval measures the promptness in restoring circuits to normal operating levels when a problem or trouble is referred to the ILEC. Calculation is the elapsed time from the CLEC or IXC Carrier submission of a trouble report to the ILEC to the time the ILEC closes the trouble, less any Customer Hold Time or Delayed Maintenance Time due to valid customer, CLEC, or IXC Carrier caused delays. A breakdown of the percent of troubles outstanding greater than 24 hours, and the Mean Time to Restore of those troubles recorded as Found OK / Test OK, is required for diagnostic purposes.

Calculation Methodology

Mean Time To Restore:

? [(Date and Time of Trouble Ticket Resolution Closed to the CLEC or IXC Carrier – Date and Time of Trouble Ticket Referred to the ILEC) – (Customer Hold Times)] / (Count of Trouble Tickets Resolved in Reporting Period)]

% Out of Service Greater than 24 hrs:

[Count of Troubles where (Date and Time of Trouble Ticket Resolution Closed to the CLEC or IXC Carrier – Date and Time of Trouble Ticket Referred to the ILEC) – (Customer Hold Times) is > 24 hrs / (Count of Trouble Tickets Resolved in Reporting Period)] x 100

Mean Time To Restore – Found OK / Test OK:

? [(Date and Time of Trouble Ticket Resolution Closed to the CLEC or IXC Carrier as Found OK/Test OK Date and Time of Trouble Ticket Referred to the ILEC) – (Customer Hold Times)] / (Count of Trouble Tickets Resolved in Reporting Period as Found OK/Test OK)]

Business Rules

1. A trouble report or trouble ticket is any record (whether paper or electronic) used by the ILEC for the purposes of tracking related action and disposition of a service repair or maintenance situation.
2. Elapsed time is measured on a 24-hour, seven-day per-week basis, without consideration of weekends or holidays.
3. Multiple reports in a given period are included, unless the multiple reports for the same customer is categorized as "subsequent" (an additional report on an already open ticket).
4. "Restore" means to return to the normally expected operating parameters for the service regardless of whether or not the service, at the time of trouble ticket creation, was operating in a degraded mode or was completely unusable. A trouble is "resolved" when the ILEC issues notice to the CLEC or IXC Carrier that the customer's service is restored to normal operating parameters.
6. Customer Hold Time or Delayed Maintenance Time resulting from verifiable situations of no access to the end user's premises, or other CLEC or IXC Carrier caused delays, such as holding the ticket open for monitoring, is deducted from the total resolution interval.

Exclusions:

- ?? Trouble tickets that are canceled at the CLEC's or IXC Carrier's request
- ?? CLEC, IXC Carrier, CPE (Customer Premises Equipment), or other customer caused troubles
- ?? ILEC trouble reports associated with administrative service
- ?? CLEC or IXC Carrier requests for informational tickets
- ?? Trouble tickets created for tracking and/or monitoring circuits
- ?? Tickets used to track referrals of misdirected calls

Levels of Disaggregation

?! Below DS3 (DS0 + DS1)

?! DS3 and Above (DS3 + OCn)

Performance Standard

Mean Time to Restore	- Below DS3	< = 2.0 Hours
	- DS3 and Above	< = 1.0 Hour

% Out of Service > 24 Hrs	- Diagnostic	
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Mean Time to Restore Found OK / Test OK	- Diagnostic	
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ILEC Performance Measurements and Standards

MAINTENANCE & REPAIR

Measurement: JIP-SA-11 Repeat Trouble Report Rate

Description

The Repeat Trouble Report Rate measures the percent of maintenance troubles resolved during the current reporting period that had at least one prior trouble ticket any time in the preceding 30 calendar days from the creation date of the current trouble report.

Calculation Methodology

Repeat Trouble Report Rate:

$$\frac{[(\text{Count of Current Trouble Reports with a previous trouble, reported on the same circuit, in the preceding 30 calendar days}) / (\text{Number of Reports in the Report Period})] \times 100}{}$$

Business Rules

1. A trouble report or trouble ticket is any record (whether paper or electronic) used by the ILEC for the purposes of tracking related action and disposition of a service repair or maintenance situation.
2. A trouble is resolved when the ILEC issues notice to the CLEC or IXC Carrier that the circuit has **been** restored to normal operating parameters.
3. If a trouble ticket was closed out previously with the disposition code classifying it as FOK/TOK/CPE/IXC, then the second trouble must be counted as a repeat trouble report if it is resolved to ILEC reasons.
4. The trouble resolution need not be identical between the repeated reports for the incident to be counted as a repeated trouble.

Exclusions:

- ?? Trouble tickets that are canceled at the CLEC's or IXC Carrier's request
- ?? CLEC, IXC Carrier, CPE (Customer Premises Equipment), or other customer caused troubles
- ?? ILEC trouble reports associated with administrative service
- ?? Subsequent trouble reports defined as those cases where a customer called to check on the status of an existing open trouble ticket

Levels of Disaggregation

- ?? Below US3 (DS0 + DS1)
- ?? DS3 and Above (DS3 + OCn)

Performance Standards

Repeat Trouble Report Rate	Below DS3	<	6.0%
	DS3 and Above	<=	3.0%

ILEC Performance Measurements and Standards

GLOSSARY

Term	Definition
Access Service Request (ASR)	A request to an ILEC to order new service, or request a change to existing service, which provides access to the local exchange company's network, under terms specified in the local exchange company's special or switched access tariffs
Business Days	Monday thru Friday excluding holidays
Customer Not Ready (CNR)	A verifiable situation beyond the normal control of the ILEC that prevents the ILEC from completing an order, including the following: CLEC or IXC Carrier is not ready; end user is not ready; connecting company, or CPE (Customer Premises Equipment) supplier, is not ready
Facility Check	A pre-provisioning check performed by the ILEC, in response to an access service request, to determine the availability of facilities and assign the installation date
Firm Order Confirmation (FOC)	The notice returned from the ILEC, in response to an Access Service Request from a CLEC or IXC Carrier that confirms receipt of the request, that a facility has been made, and that a service request has been created with an assigned due date
Unsolicited FOC	An Unsolicited FOC is a supplemental FOC issued by the ILEC to change the due date or for other reasons, although no change to the ASR was requested by the CLEC or IXC Carrier
Project	Service requests that exceed the line size and/or level of complexity that would allow the use of standard ordering and provisioning processes
Query/Reject	An ILEC response to an ASK requesting clarification or correction to one or more fields on the ASR before an FOC can be issued
Repeat Trouble	Trouble that reoccurs on the same telephone number/circuit ID within 30 calendar days
Supplement ASR	A revised ASR that is sent to change due dates or alter the original ASR request. A "Version" indicator related to the original ASR number tracks each Supplement ASR.

ATTACHMENT 3

Date: **December 9, 2002**

Number: **CLECC02-328**

Effective Date: **See Text**

Category: **UNE**

Subject: **(RATE CHANGE) Change to Interim DS3 UNE Loop Recurring Rate Amendment**

Related Letters: **NA**

Attachment: **Yes**

States Impacted: **California**

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

This Accessible Letter is to follow-up Accessible Letter **CLECC02-302**, issued on November 1, 2002, in which SBC Pacific Bell Telephone Company ("Pacific") advised that it had developed an optional amendment ("Amendment") for CLECs in California to replace the interim DS3 UNE Loop recurring rate as described in Accessible Letter **CLECC02-267** with a lower interim DS3 UNE loop recurring rate. This is to advise that Pacific has revised the language in Paragraph Five (5) of the Amendment relating to the term and termination of the interim DS3 UNE Loop recurring rate being offered via such Amendment.

In particular, the revised Paragraph Five (5) provides that the Amendment will remain in effect between Pacific and any CLEC who elects to incorporate such Amendment into its Agreement until the date the CPUC approves an interim or final DS3 UNE Loop recurring rate in Application 01-02-024/A.01-02-035, the CPUC's Unbundled Network Element (UNE) Reexamination for Pacific Bell Telephone Company, subject to the intervening law rights contained in the revised Paragraph Five (5), including but not limited to any appeals and associated review. The interim DS3 UNE loop recurring rate set forth in this Amendment would automatically be replaced by the DS3 UNE loop recurring rate established by the CPUC in such proceeding and the Commission-established DS3 UNE loop recurring rate(s) would be retroactively trued-up as provided for in Paragraph Five (5).

CLECs in California who wish to execute the revised Amendment should contact their Account Manager, or may print the attached form ("amendment notification.doc") and FAX a signed request to SBC's CONTRACT ADMINISTRATION group at 1-800-404-4548. Please note that a CLEC must have (or obtain in association with this Amendment), DS3 UNE loop rates, terms and conditions in its Agreement with Pacific to use in conjunction with this Amendment.



"CA Amendment
Notification.doc"

Pacific reserves the right to make any modifications to the information set forth herein and/or to cancel the information set forth herein. In the event of any modifications to *or* cancellation Of the information set forth herein, CLECs will be notified via a subseauent Accessible Letter. Pacific shall incur no liability to any CLEC if the information set forth herein is modified or cancelled by Pacific.